

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Niecestro et al.

Serial No.: 10/761,805

Group Art Unit: 1614

Filed: January 21, 2004

Examiner: Kevin E. Weddington

For: **NOVEL PHARMACEUTICAL FORMULATION CONTAINING A PROTON
PUMP INHIBITOR AND AN ANTACID**

New York, New York 10036
December 23, 2008

Mail Stop Amendment
Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND REQUEST FOR CONTINUED EXAMINATION

Sir:

In response to the Office Action dated September 23, 2008, in the above-identified application, Applicants respectfully request amendment and reconsideration of the above-identified application. Because the rejection in the September 23, 2008 Office Action was made final, a request for continued examination (RCE) and fee are filed concurrently herewith.

In accordance with the provisions of 37 C.F.R. § 1.121 attached hereto on separate sheets are: a) an amendment to the claims; and b) a remark section.